

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

DIANA MEY, individually and on behalf
of a proposed class,

Plaintiff,

v.

Civil Action No. 5:23-CV-46

Judge Bailey

**LEVIN, PAPANTONIO, RAFFERTY,
PROCTOR, BUCHANAN, O'BRIEN,
BARR & MOUGEY P.A.; PRINCIPAL
LAW GROUP, LLC; JOHN DOE DEFENDANTS 1-5;
and MCM HUSTLE LLC,**

Defendants.

ORDER

Pending before this Court is Plaintiff's Motion for Entry of Default [Doc. 68], filed October 17, 2023. Therein, plaintiff seeks entry of default against defendant MCM Hustle LLC because the complaint was served and defendant failed to timely answer or otherwise defend itself in the above-styled case.

Pursuant to Federal Rule of Civil Procedure 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

Plaintiff amended her Complaint on July 27, 2023, adding MCM Hustle LLC as a defendant in this matter. See [Doc. 38]. On August 26, 2023, plaintiff effectuated substitute service on defendant by leaving a copy of the Summons and Amended Complaint at the registered agent and chief executive officer Mr. Kashou's dwelling or

usual place of abode with someone of suitable age and discretion who resides there.
[Doc. 68-3].

The time to answer or otherwise respond to the Amended Complaint has since expired and to date, defendant has failed to answer or otherwise respond. Moreover, defendant has made no attempt to contact plaintiff's counsel regarding this matter. Accordingly, plaintiff's Motion [Doc. 68] is **GRANTED** and this Court **DIRECTS** the Clerk to enter default against defendant MCM Hustle LLC.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: October 18, 2023.

A handwritten signature in black ink, appearing to read 'John Preston Bailey', written over a horizontal line.

JOHN PRESTON BAILEY
UNITED STATES DISTRICT COURT